

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH POOLE,

Petitioner,

vs

9:04-CV-1186

WILLIAM MAZZUCA, Warden,

Respondent.

APPEARANCES:

OF COUNSEL:

JOSEPH POOLE

Petitioner, Pro Se

94-A-3690

Fishkill Correctional Facility

P.O. Box 1245

Beacon, New York 12508

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Respondent

Department of Law

120 Broadway

New York, NY 10271

ALYSON J. GILL, ESQ.

Asst. Attorney General

HON. DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Joseph Poole, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on October 14, 2004. By Report-Recommendation dated November 20, 2007, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the petition be denied and dismissed; and further, that a certificate of appealability not issue. There have been no objections made to the Report-Recommendation, and indeed, the petitioner apparently has failed to provide the court with a current address as noted in the

Report Recommendation, and the docket sheet notes the Report Recommendation itself was returned to the court as "undeliverable."

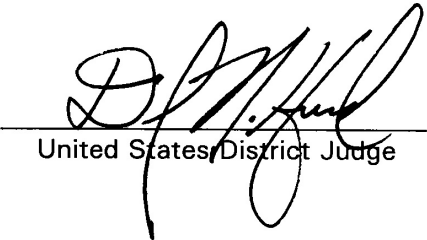
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and DISMISSED in all respects; and further, no certificate of appealability will be issued.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: January 14, 2007
Utica, New York.



United States District Judge